

FILED

April 19, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

BY: Julie Golden
DEPUTY

YETI Coolers, LLC,

Plaintiff,

v.

**Mercatalyst, Inc., and
TerraCycle US, LLC,**

Defendants.

Case No. 1:22-cv-01337-RP

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF FOR:**

- (1) TRADEMARK INFRINGEMENT**
- (2) UNFAIR COMPETITION, FALSE
ENDORSEMENT, FALSE
ASSOCIATION, AND FALSE
DESIGNATION OF ORIGIN**
- (3) TRADEMARK DILUTION**
- (4) FALSE ADVERTISING**
- (5) UNFAIR COMPETITION (COMMON
LAW)**
- (6) CONVERSION (COMMON LAW)**
- (7) FRAUD**

Jury Trial Demanded

AGREED ORDER TO EXTEND TEMPORARY RESTRAINING ORDER

On December 27, 2022, the Court entered the parties' Agreed Temporary Restraining Order (Dkt. No. 7). The parties now request the Court extend the temporary restraining order by a period of ninety (90) days.

Having considered the matter, and the agreement of the parties, the Court finds good cause exists to extend the order temporarily restraining Defendant Mercatalyst, Inc. ("Mercatalyst") as requested in Plaintiff YETI Coolers, LLC's ("YETI") application. YETI offered specific facts in an affidavit clearly showing that immediate and irreparable injury, loss, or damage will result to

YETI. The Court finds a substantial risk of irreparable harm to YETI, and to the jurisdiction of this Court, if Defendant Mercatalyst were allowed to sell or otherwise distribute the “YETI Technical Lightweight Puffer Jackets” that YETI contends were marketed at the following URLs: <https://morningsave.com/deals/yeti-men-s-technical-lightweight-puffer-jacket-1> and <https://morningsave.com/deals/yeti-women-s-technical-lightweight-puffer-jacket-1> (“Unreleased Goods”). In contrast to the substantial, irreparable harm to YETI, any potential harm to Defendant Mercatalyst in preventing the sale and/or distribution is minimal and reparable.

It is therefore **ORDERED** that the Court’s Order dated December 27, 2022, is hereby **EXTENDED** a further ninety (90) days. Accordingly, and effective immediately, Defendant Mercatalyst and all of its affiliates, officers, directors, shareholders, employees, or those in active concert with it, shall continue to refrain from any of the following acts until further order of this Court:

- i. Marketing the Unreleased Goods;
- ii. Selling the Unreleased Goods; or
- iii. Distributing the Unreleased Goods.

Because Defendant Mercatalyst is unlikely to suffer harm, the Court finds that the proper amount of security under Rule 65(c) is **Zero United States Dollars (\$0.00)**.

The temporary restraining order is hereby extended for a period of ninety (90) days, and will expire on **July 27, 2023**, unless further extended by agreement of the parties or order of the Court.

Dated: 04/19/2023



U.S. DISTRICT JUDGE ROBERT PITMAN

AGREED and ENTRY REQUESTED:

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